

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

In Re: TAXOTERE (DOCETAXEL)
PRODUCTS LIABILITY LITIGATION

MDL NO. 2740

SECTION “H” (5)

THIS DOCUMENT RELATES TO:
ALL CASES

STIPULATION REGARDING PRETRIAL ORDER NO. 105

NOW INTO COURT come Plaintiffs, through Plaintiffs’ Co-Liaison Counsel (“PLC”), and Defendants, through Defendants’ Liaison Counsel (“DLC”), who respectfully submit this Stipulation Regarding Pretrial Order No. 105 (Doc. 10338, hereinafter “PTO 105”). The Plaintiffs and Defendants hereby stipulate as follows:

1. The deadline to file amendments pursuant to PTO 105 is extended to 45 days after the Court issues a decision in the *Greer* matter or by January 15, 2021, whichever is earlier. No further requests for extension shall be permitted unless by consent of all parties or for good cause shown by an individual Plaintiff to justify an extension in their specific case;
2. Plaintiffs agree not to seek leave to amend SFCs to add or include any allegations that are inconsistent with PTO 105 or this Court’s Orders addressing motions to amend SFCs, including any allegations that have been previously disallowed by the Court;
3. If a Defendant seeks dismissal of any case based on a statute of limitations, it agrees that it will not argue waiver based on any Plaintiff’s refraining from amending her SFC to include allegations inconsistent with PTO 105, as described in paragraph 2 hereinabove;

4. All arguments advanced by Plaintiffs in opposition to PTO 105 and in the prior motions seeking leave to amend, Rec. Docs. 8702, 8703, 10465, and 11129, are preserved for appeal in any Plaintiff's individual case, if dismissed by the district court;
5. If, after following the conferral process set forth in PTO 105, ¶ 3, a Plaintiff seeks leaves to amend which is opposed by Defendants on the basis that the allegations Plaintiff seeks to include in a proposed SFC are inconsistent with PTO 105 or this Court's Orders addressing motions to amend SFCs, including any allegations that have previously been disallowed by the Court, the Defendant may place the case on a call docket, designating the allegations it believes violates PTO 105 or any of the Court's Orders on language appropriate for an amendment, for Plaintiffs to show cause why Plaintiff's proposed allegations should not be stricken.. This show cause process shall not replace formal motion practice, if any, seeking dismissal of any Plaintiff's case on statute of limitations grounds.

Dated: October 23, 2020

Respectfully submitted,

/s/M. Palmer Lambert

M. Palmer Lambert (#33228)
GAINSBURGH BENJAMIN DAVID
MEUNIER & WARSHAUER, LLC
2800 Energy Centre, 1100 Poydras Street
New Orleans, LA 70163-2800
Phone: 504-522-2304
Fax: 504-528-9973
plambert@gainsben.com

Plaintiffs' Co-Liaison Counsel

/s/Dawn M. Barrios

Dawn M. Barrios (#2821)
BARRIOS, KINGS DORF & CASTEIX, LLP
701 Poydras Street, Suite 3650
New Orleans, LA 70139
Phone: 504-524-3300
Fax: 504-524-3313
barrios@bk-law.com

Plaintiffs' Co-Liaison Counsel

/s/ Douglas J. Moore

Douglas J. Moore (Bar No. 27706)
IRWIN FRITCHIE URQUHART
& MOORE LLC
400 Poydras Street, Suite 2700
New Orleans, LA 70130
Telephone: 504-310-2100
Facsimile: 504-310-2120
E-Mail: dmoore@irwinllc.com

Sanofi Defendants' Liaison Counsel

/s/ John F. Olinde

John F. Olinde (Bar No. 1515)
CHAFFE MCCALL, L.L.P.
1100 Poydras Street
New Orleans, LA 70163
Telephone: 504-585-7000
Facsimile: 504-585-7075
E-Mail: olinde@chaffe.com

505(b)(2) Defendants' Liaison Counsel

CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2020, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record who are CM/ECF participants.

/s/ Dawn M. Barrios

DAWN M. BARRIOS